

In The Matter Of:

*James H. Gorbey, Jr., et al v.
Robert Longwell, et al*

*Salvador Ortiz-Britto
February 23, 2006*

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Original File 022306CY.VI, Pages 1-61

Word Index included with this Min-U-Script®

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(1) you're telling me?
(2) A. It was closed.
(3) Q. Was it locked?
(4) A. Yes.
(5) Q. It was a sliding glass door, correct?
(6) A. Yes.
(7) Q. Did you have to knock on the door?
(8) A. Yes.
(9) Q. Did you -- you, Mr. Ortiz, you knocked on
(10) the door?
(11) A. Yeah.
(12) Q. And someone from inside the home let you
(13) in?
(14) A. Yes.
(15) Q. And then when you got inside the dining
(16) room, you had to go through door number two into
(17) the pool, correct?
(18) A. That one was already open.
(19) Q. You haven't talked to Mr. Rizzo lately,
(20) have you?
(21) A. No.
(22) Q. You haven't talked to him about his
(23) deposition?
(24) A. No.

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(1) A. I think he was carrying the table.
(2) Q. Well, he told me that you assisted him
(3) carrying the table when he gave his deposition.
(4) Which one is right?
(5) MR. LANDON: Objection to the form.
(6) THE WITNESS: I think that we were
(7) carrying first the chairs and then the table.
(8) BY MR. CASEY:
(9) Q. So how many chairs were you carrying?
(10) A. Three.
(11) Q. And was Mr. Rizzo carrying chairs at this
(12) point also?
(13) A. I don't remember very well. I don't
(14) remember if he was carrying chairs or the table.
(15) Q. All right. So you went into the pool area
(16) and put the chairs down?
(17) MR. LANDON: Objection to the form.
(18) THE WITNESS: Yes.
(19) BY MR. CASEY:
(20) Q. Did Mr. Rizzo come into the pool area with
(21) you?
(22) A. Yes. To drop the chairs that he had too.
(23) Q. So he was carrying chairs?
(24) A. I think so.

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(1) Q. So when you got inside the dining room
(2) through door number one, as you're sitting here
(3) today, you remember that door number two, the
(4) sliding glass door, was open?
(5) A. Yes.
(6) Q. Did the person who opened the door for you
(7) go back inside the house?
(8) A. I don't know. I didn't see anybody opening
(9) the door. I don't know who did it.
(10) Q. No, did the person who opened door number
(11) one to let you into the dining room then leave
(12) and go back into the kitchen?
(13) A. Yes, to the kitchen.
(14) Q. So at that point it was just you and Mr.
(15) Rizzo, correct?
(16) A. Yes.
(17) Q. And then the door going into the pool area,
(18) when you got into the dining room, had already
(19) been open, meaning slid, S-L-I-D, open for you?
(20) A. That door was already open.
(21) Q. And did you have two or three chairs with
(22) you at this point?
(23) A. Yes.
(24) Q. And what was Mr. Rizzo carrying?

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(1) Q. Okay. And then you and Mr. Rizzo went back
(2) outside?
(3) A. Yes.
(4) Q. When you went from the pool area into the
(5) dining room to go back out to the patio, did you
(6) close the door between the pool and the dining
(7) room?
(8) A. When we dropped the chairs there?
(9) Q. No. You dropped the chairs, correct?
(10) A. Yes.
(11) Q. Then you went back into the dining room and
(12) then you went back out into the patio, correct?
(13) A. Yes.
(14) Q. To get the other furniture, correct?
(15) A. Uh-huh.
(16) Q. Yes?
(17) A. Yes.
(18) Q. When you left the pool area to go into the
(19) dining room before going out to the patio, did
(20) you close the door between the pool and the
(21) dining room?
(22) A. The problem is that I was going to -- we
(23) were carrying the chairs getting in. The owner
(24) of the house, the lady, came behind me, and she

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(11) soap?
(12) A. No.
(13) Q. The Clorox, was it a liquid Clorox or
(14) powder?
(15) A. Liquid.
(16) Q. And you and Mr. Rizzo cleaned the table and
(17) the chairs; is that correct?
(18) A. Yes.
(19) Q. Before you cleaned the table and the
(20) chairs, did you go into the house for any reason
(21) that morning?
(22) A. No.
(23) Q. Before you cleaned the table and the
(24) chairs, did you go into the pool area for any
(25) reason that morning?
(26) A. No.
(27) Q. After you cleaned the table and the chairs,
(28) it's my understanding that you've testified that
(29) had you to knock on the door, door number one, to
(30) get somebody's attention to let you in?
(31) A. Yes. To open the door.
(32) Q. And did someone come and open the door for
(33) you?
(34) A. Yes.

(11) A. I was carrying the chairs. I was turning
(12) to the left when I saw that the lady was
(13) screaming behind me, and she throw herself into
(14) the swimming pool. What I did is that I throw
(15) the chairs and I went to help the lady.
(16) Q. When they came and opened the door and you
(17) had two or three chairs, did you step into the
(18) dining room before the woman jumped into the
(19) pool?
(20) A. I was getting in with the chairs and I put
(21) the chairs to my left.
(22) Q. Did you -- before the woman jumped in the
(23) pool, did you go into the dining room and then
(24) into the pool area?
(25) A. Yes.
(26) Q. When you went into the pool area from the
(27) dining room, did you see the child in the pool?
(28) A. No.
(29) Q. Did you put your chairs down before the
(30) woman jumped into the pool?
(31) A. When I saw her jumping in, in the pool.
(32) Q. Did Vinnie come into the pool area before
(33) the woman jumped into the pool?
(34) A. I don't remember that.

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(11) Q. Who was that? Can you describe the person?
(12) A. I don't remember it was the lady or the
(13) gentleman.
(14) Q. It may have been a lady or a gentleman, you
(15) don't recall?
(16) A. I don't remember that.
(17) Q. When you knocked who the door, where was
(18) Vinnie?
(19) A. He was helping me to clean the furniture.
(20) Q. Was he behind you carrying anything at that
(21) time when you knocked?
(22) A. Yes.
(23) Q. What he was carrying?
(24) A. I am not sure if he was carrying the table.
(25) I think that he was carrying the table, but I'm
(26) not sure.
(27) Q. And you think that at the time that you
(28) knocked on the door, door number one, you were
(29) carrying two or three chairs?
(30) A. Three chairs.
(31) Q. At the time either the gentleman or lady
(32) came and opened the door and you had the three
(33) chairs, what happened next? Tell me what
(34) happened?

(11) Q. Do you know where Vinnie was when the woman
(12) jumped into the pool?
(13) A. I think that he was outside.
(14) Q. Did the woman, who jumped into the pool,
(15) push you at all?
(16) A. No. No.
(17) Q. The table that you had cleaned, do you know
(18) where it was when the woman jumped into the pool?
(19) A. I don't remember.
(20) Q. Do you know if it was already in the pool
(21) area or if it was still outside?
(22) A. I think I was already inside, but I don't
(23) remember that very well.
(24) Q. Did you help carry the table inside at all
(25) that day?
(26) A. I think so.
(27) Q. Do you think -- did you help carry the
(28) table into the pool area before the woman jumped
(29) into the pool?
(30) A. I didn't understand that question.
(31) Q. You said that you think that you helped
(32) carry the table into the pool area that day,
(33) correct?
(34) A. Yes. But I don't remember where we put it.